IN THE HIGH COURT OF BOMBAY AT GOA

Writ Petition No. 198/2005

Smt. Sunila Anil Pai Raikar. ..... Petitioner.

V/s.

State of Goa and others. ..... Respondents.

Mr. Sudesh Usgaonkar, Advocate for the petitioner.

Mr. Guru Shirodkar, Addl. Govt. Advocate for respondents No.1 to 3.

Mr. P. A. Kholkar, Advocate for respondent No.4.

Mr. C. A. Fereira, Asst. Solicitor General for respondent No.5.

CORAM : KSHITIJ VYAS, CJ &
RANJANA DESAI, J.

DATE : 7TH JUNE, 2006.

P.C.

The petitioner in the present petition challenges the action of the respondents whereby permission to construct a compound wall and sub-division of her property has been rejected. According to the petitioner, prior to filing of the application for seeking permission for construction of compound wall on 23.1.03, the petitioner had applied for sub-division of her adjoining properties surveyed under Nos. 398/2, 398/12 and 398/19 vide three separate applications dated 29.4.1999. According to the petitioner, the sub-

division of Survey No.398/12 is made of amalgamation of sub-division i.e. after amalgamating sub-divisions 23, 24, 25, 26, 27, 37, 40, 42, 49, 50, 55, 56, 58, 59, 60 and 61. Similarly, sub-divisions 398/19 is made of amalgamation of sub-divisions 20, 21, 22, 28, 29, 30, 31, 32, 33(part), 34, 35, 36, 37, 48, 54, 41, 46, 47 and 51.

2. In this petition, the petitioner has approached this Court to quash ad set aside the letter dated 27/08/2004 from the respondent No.3 and letter dated 9.11.2004 from respondent No.4 refusing to consider the proposal for sub-division of the petitioner's property surveyed under No. 398/12, 2 and 19. The petitioner has also prayed for quashing and setting aside of the letter dated 2/7/2003 from respondent No.4 and letter dated 10/06/2003 from respondent No.3 refusing to permit the proposed construction of compound wall in the property surveyed under No.398/12. The petitioner has also sought for direction to sanction the approval for application dated 29.7.2004 filed by the petitioner for sub-division of her property surveyed under No.398/12, 2 and 19 and to sanction the approval for application dated 23.1.2003 filed by the petitioner for construction of compound wall of the property surveyed under No.398/12.

3. Today when the matter is called out, Mr. Shirodkar, learned Addl. Govt. Advocate for respondents No.1 to 3 submits that the in-divisions claimed by the petitioner in paragraph 17 and covered

under the proposed acquisition are sub-divisions 19, 28, 29, 32, 33, 34 (part) 41, 46, 47, 51 having an area 1700 sq. metres; the area under survey No.398/2(part) admeasures 2640 sq. metres and the total area admeasures 2640 sq. metres which is proposed for acquisition from the sub-division of survey No.398 claimed by the petitioner. He clarifies that except the aforesaid survey numbers, the respondents No.1 to 3 are not contemplating further acquisition of the lands of the petitioners.

4. In view of the above, as far as prayers (a) and (c) are concerned, in our opinion, no further things required to be done as the above statement made by the learned Addl. Govt. Advocate takes care of prayers (a) and (c). In this view of the matter, we direct the respondents No.3 and 4 to consider the application dated 29.7.2004 filed by the petitioner in the light of the statement made by the learned Addl. Govt. Advocate and the order passed by us.

We hope and trust that the respondents will take appropriate decision on the said application as expeditiously as possible. The petition stands disposed of.

KSHITIJ P. VYAS, CJ.

RANJANA DESAI, J.

ssm.